CONFIDENTIAL

10 5[illegible]52

File No. 3660/48

B CLASS P W DEPARTMENT
E E BRANCH

Subject:— Suspension

Rodrigues Shri Francis

Ganga Ramkumar

(c)

(B(a))

File No. 3660/48 - E (1)

Stl. Scott. Elip 24-B

P.W.D.

E.B.(II).

These papers deal with the payment of salary to Shri Francis Rodriques, Pt. Gauge Karkun, during the period of his suspension viz., from 29-9-1948 to 31-10-1949.

2. The history of the case is that Shri Francis Rodrigues, Pt. Gauge Karkun and Shri Bhaskar Basappa Sungar, Patkari, were charged with theft of Govt. property and prosecuted. The Resident Magistrate, First class, Ranebennur, has acquitted both these persons on the 7-10-1949 for want of sufficient evidence - vide copy of judgement at pp. 1-20 c/s. ante.

3. Shri Francis Rodrigues has accordingly been reinstated by the Ex. Engr., Dharwar Dn., from 1-11-1949. The period of suspension has also been treated as duty period. The Ex. Engr. is no doubt competent to reinstate Shri Rodrigues, but Govt. sanction is necy. for payment of salary during suspension, as the period of suspension exceeds 6 months - vide rule 154 of the B.C.S.Rs. Vol.I. However, before according sanction to the payment of salary for the period of suspension, it is not known whether a departmental enquiry has been held. It may be added in this connection that even though Shri Rodrigues has been acquitted by the Court of the criminal charge, it does not necessarily mean that a Govt. servant is free from any guilt. A Govt. servant's conduct is governed by the B.C.S.Conduct, Discipline and Appeal Rules. Before treating the period of suspension as on duty, it is necy. to hold a departmental enquiry for purposes of deciding whether Shri Rodrigues has been honourably acquitted ..

acquitted or otherwise for purposes of Rule 152-A. The S.E. may, therefore, be requested to report whether the Ex. Engr. has arrived at his decision to reinstate Shri Rodrigues after holding a departmental enquiry. If not, the S.E. may be requested to order the Ex. Engr. to hold an enquiry as per instructions contained in App.II to B.C.S.C.D.& A. Rules and then approach Govt. according to his decision for the payment ~~of~~ for period of suspension. Shri Rodrigues will also have to be suspended during the period of enquiry.

Not necessary x The reinstatement need not be disturbed, except for food & sufficient reasons

3. Nothing has been said about Shri Bhaskar Bassapa. It is not known whether he has been reinstated. The S.E. may, however, be requested to confirm the presumption that necy. action against him is also being taken.

BVK.
6.2.51.

6/2/51

6/2/51

D.S.

Secy.

E.B(II).

pp. 23-24 c/s

Resubmitted with the necy draft for approval.

9/2/51.

9/2/51

D.S.

Secy.

P.W.D.

F Br.

Submitted with refce. to the G.L. at pp. 23-24 c/s ~~ante~~ pp. 1-2 and the note underlying it.

f 27 c/s

2. The S.E., S.C., states that no departmental enquiry was held against Shri Francis Rodrigues before reinstating him by the then Ex. Engr., Dharwar Dn. The present Ex. Engr. who has looked into the matter states that the case is a concocted one brought up against Shri Rodrigues due to the enemity between Shri Rodrigues and the Police Patil of the place as is evident from para.10 of pp 13-14 the judgement. The Ex. Engr. states that the only lapse on Shri Rodrigues part was that the branches ought not to have been removed from the spot without first holding a panchnama. However, due to conflicting situation in the village and the fear of wood being stolen, the Ex. Engr. states that Shri Rodrigues cannot be charge-sheeted on this account. The Ex. Engr., is,however, issuing a warning through the Ex.Engr., Dharwar Irrign. Dn., under whom Shri Rodrigues is at present serving. The then Ex. Engr. who was consulted in the matter agrees with the views of the Ex. Engr., Dharwar Dn. Besides, if an enquiry is to be held now it would be difficult to collect any reliable information as the case is nearly 4 years old and there are bound to be conflicting statements.

3. In the circumstances explained above, Shri Rodrigues may be considered to have been honourably acquitted and the period of suspension may be treated as on duty and Shri Rodrigues be paid full pay for the period from 29-9-1948 to 31-10-1949. The subsistence allowance already paid to Shri Rodrigues may be recovered from him. ~~The R.E.S.D. and the E.E.~~

as instd.

may...

4. As regards Shri Bhaskar Basappa, tempy. Patakari, the S.E. states that his services were terminated after he was convicted under Sec. 411 I.P.C. However, on his acquittal under Sec. 258(1) Cr. P.C. by the R.M.F.C., Ranebennur, Shri Bhaskar Basappa was reinstated in service. It is neither clear from the S.E's report nor from the judgment of the R.M.F.C., Ranebennur, who convicted Shri Bhaskar Basappa and what the sentence was. As Shri Bhaskar Basappa's case is connected with that of Shri Rodrigues, no departmental enquiry need be held in this case also for the same reasons as in Shri Rodrigues' case. Shri Bhaskar Basappa may, therefore, be considered to be honourably acquitted.

X

BVK.
27.8.51.

5. As regards the Ex. Engr's statement that the question of payment of leave salary does not arise in view of the fact that he was borne on the tempy. establishment his services could be terminated straightaway, i.e., without holding an enquiry. The S.E. has not commented on the above. The position as stated by the Ex. Engr. is not correct. Since Shri Bhaskar Basappa has been reinstated in service and considered honourably acquitted, Shri Bhaskar Basappa is eligible in the first place for subsistence allowance from the date of suspension to the date of reinstatement in service.

6. So far as the period of absence is concerned (which is not clear from the papers), the same may be treated as leave as admissible and the subsistence allowance paid to him may be recovered; otherwise, Shri Bhaskar Basappa will not get any benefit of his previous service.

7. The P. & S.D. and the F.D. may see u.o.

POLITICAL AND SERVICES DEPARTMENT
File No. PW 3640 | 48
SEP 1951
Serial No. 14106

DRN.
30.8.51

30.8.51.

D.S.

Seey.

P + S.D 1D

Pl. see the P.W.D. note dtd the
30-8-51. For the reasons stated there
the Deputy considers both the pers
viz. Shri. Rodrigues & Bhaskara Basappa
as honourably acquitted. Attention is
particularly invited to the portion
marked 'x' of the P.W.D. note under
reference wherein it has been stated
that Shri Bhaskara Basappa's case is
connected with that of Shri Rodrigues
& is departmental enquiry need be held
In view of this and the fact that
after acquittal Shri Bhaskara Basappa
has been reinstated, it is not clear
why the P.W.D. has proposed different
treatment in his case so far as period
of absence is concerned. The P.W.D
may see U.O. for necy elucidation

2 It is also not clear why
a period of ~~1~~ about 1½ years has been
taken by the Ex. Engr. to obtain
the orders of Govt. in the matter.
It seems necy to call for the explan
of the Ex. Engr. in this connection.

3 The papers may be passed
on to the P.D. with this note

11/9/51

11/9

11/9

PIO

70
X

The P.W.D. may be requested to consider the remarks of the PSD in the first instance.

14.9.51

GKS
12-9-51
14.

U.S. (S)

P.W.D.

F. Por.

The S.E., S.C., may be requested to elucidate the points raised by the P.S.D. in the first instance. P.5
The draft put up may issue, if approved. P.39 c/s

M
19/9/51.

D.S

F. Por.

The S.E., S.C., expedited under No. 3640/48-F, dt. the 19th Oct. 1951. P.39 c/s

M
20.9.51.

P. W. D.
File No. 3640/48
Serial No. 80224.

Issued
24/10/51

7

3640/48/80224

P. W.D.

F. Br:-

The S.E., S.C., expedited under No. 3640/48-F, dt. the 17-12-51.

Issued
17/12/51

15-12-51.

Issued 15/12/51

F. [illegible]

3640/48/15724.

P.W.D.

F. Br.

Submitted with refce. to the enc. at p. 39 c/s and the notes pp. 3-6 underlying it.

2. As regards the question of different treatment to Shri Rodrigues and Shri Basappa raised in para. 1 of the P.S. P.S.D., O.N., dt. the ~~9-11-1951~~ 11-9-51, the S.E., S.C., P47 states that the services of Shri Basappa were terminated when he was ~~Convicted~~ arrested, but with his acquittal he was reinstated in service. The S.E. in his letter at p. 37 c/s had previously reported that the services of Shri Basappa were terminated on his conviction and that he was reinstated when he was later acquitted. The two different statements made by the S.E. are, therefore, not understood. As the matter has long been delayed, the question of payment of pay and allowances on this issue need not be held up. The S.E. P47 adds that Shri Basappa being temp., with the termination of his services, there was a break in his service, when he was reinstated. Since Shri Rodrigues and Shri Basappa have been considered as honourably acquitted and

X

and reinstated in service, the period of absence from duty of Shri Basappa ~~[illegible]~~ may be treated as period of suspension and he be paid pay and allowances as on duty, subsistence allowance, if already paid to him being recovered. 4

3. The delay in approaching Govt. for orders in the matter has been explained by the Ex. Engr. Dharwar Dn., in para. 1 of his letter No. G-51, dt. the 7-1-52. F.45 There has been some delay in the office of the Ex. Engr. through some misunderstanding. It is not clear whether there was any delay in the office of the Dharwar Treasury. The Ex. Engr's explanation may, however, be accepted. The P.W.S.D. and the F.D. may see u.o.

M
13/52.

10/1.3.52

D.S.

Secy.

u.o. to the P.W.S.D.
F.D.
2. the 4th March 52

u.o.

13/3

POLITICAL AND SERVICES DEPARTMENT
File No. Poly 364/48
S.M.L. 105
Serial No. C-878

P.S.D 10

Submitted with reference to the 'O.' dtd the 11-2-52.

2. The portions marked 'x' & 'y' of the P.W.D. note dtd the 1-3-52 seem to be contradictory. When the services of Shri Basappa were terminated as soon as he was arrested, it is not clear how the period can be treated as period of suspension for the purpose of being paid pay & allowances as on duty. The E.D. would kindly advise the P.W.D. as to how the period in respect of Shri Basappa & Shri Rodrigues may be regularized under the provisions of rule 152 of the B.C.S.Rs.

3. It, however, seems necessary to point out here that it was not correct on the part of the Ex. Engr. Kanara Divn. to have reinstated the persons in question without considering the question as to whether a departmental enquiry was necessary or not. This point has been specifically impressed on the Executive Officers under this Govt. by C.E., P.W.D. no. 15811/34 dtd the 28th Apl. 1948. The P.W.D. may bring this irregularity to the notice of the Ex. Engr.

Competent authority to sign the 'O' (draft)

4 The papers may be passed on to the E.D.,

Date: 13/3/52

DS.

14/3

Finance Department 'X'

Submitted with ref. to C.N. dt/ 14-7-1951 at page 6 ante.

2. The facts of this case are that Shri Rodrigues and Shri Bhaskar Basappa were charged with theft of Govt. property and prosecuted. It seems that Shri Rodrigues was acquitted while Shri Bhaskar was convicted. Later on, on appeal Shri Bhaskar was also acquitted. The question is how the period from the date of arrest to the date of reinstatement in these two cases may be treated. In this connection attention is invited to GR.FD.No.1753/33 dt. 3-7-1951. In accordance with these orders, the person who is under arrest on a criminal charge should be treated as under suspension until the termination of the proceedings taken against him and that he need not be allowed to draw any pay and allowances except subsistence allowance in accordance with BCSR.151. An adjustment of his allowances for such periods should, therefore, be made according to the circumstances of the cases, the full amount being given only in the event of the Govt. servant being acquitted of blame. The case of Shri Rodriques is clear. He may be given the pay and allowance on acquittal(honourable) what he would have got if he had not been so suspended. As regards Shri Bhaskar, who was discharged on conviction, but reinstated on acquittal on appeal, he will have to be treated as on suspension for this period according to the orders referred to above. In these circumstances FD. may agree to the PWD. proposal to treat them on duty for the suspension period and pay them full pay and allowances, after deducting subsistence allowance if paid.

A copy below 5.b

Is

As regards para.3 of the P.& G.D. note dt. 13-3-52, the P.D. may be requested to take necessary action.

GKS
18-3-52.

Before the papers are returned to P.& G.D., the P.& G.D. may be requested to state whether in view of the order issued in G.R No.1753/83 D 3-7-1951, the discharge of Shri B. was regular. A hint in view of the order referred to above he will have to be given free pay & allowances after reinstatement.

2.4.52

Work of the P&GD dt 4-4-52

POLITICAL & SERVICES DEPARTMENT
File No. P(W) 364 of 48
D C-1261

4080

4/4

P.S.A. to A

Seen & returned to the F.A.

2. The orders contained in G.I.F.D. no. 1753/33 @ dtd the 3rd July 1951 are with refer to the treatment of the period of suspension of a Govt. servant against whom departmental proceedings have been taken either for his arrest for debt or on a criminal charge and there is no mention regarding the regularity or otherwise of the termination of a temporary Govt. servant after his arrest on a criminal charge. The F.D. orders in question are not, therefore, relevant on the point raised by the U.S., F.A. in his note under ref.

@ slipped 'N' in the Collection I.I

Shri 19/5

3. As regards the payment of full pay & allowance for the period to Shri Bawppa, P.S.A. has no objection to the same provided the F.A. is satisfied about the admissibility of the

P. W. D.
File No. 3640/48
Serial No. 47296

Shri

Shri
12/4/52

14/4

as Comp & FD 12/4

Sent to FD dt 14/4

FD
X

Submitted with reference to on dt 18-3-52 and U.S.'s note below it on the reverse.

2- These papers may now be returned to the P.W.D with an expression of concurrence in its proposal as Shri B was reinstated on acquittal the whole period will have to be treated as duty. If the acquittal was honourable.

14/4/52

21/4/52

Shri 15-5-52

15-5-52

Sent to the P.W.D dt 15-5-52

F.B 15 3640/48/47246

P 2.D

submitted with ref. to this

¶ 10
Deptt. u.o n. dated the 4-3-52

¶ 49(C.S)
2. The draft put up for approval

may issue in the first

instance.

26-5-52

SHS

3640/48/47246

F.B

F. 2-D

The S.E., S.C. expedited under No.

3640/HC F. dated the 30-6-52

Issued
30/6/52

30.6.52

30-6-52

sujata

30/6

17 3640/48/58216

P.W.D.

F.Br.

Submitted with refce. to the G.L. at pp.49-50 ante c/s the note underlying 14-9-15 it.

2. The S.E., S.C., having p51 c/s confirmed the presumption that Shri Bhaskar Basappa was honourably acquitted, the draft 14-53-54 c/s put up may issue, if approved, after u.o.r. to the F.D.

16/7/52

16/7/52

16/7/52

U.O. 16/7/52 & 8-7-52

F.D. X

pp.53-54/c

The orders proposed by the P.W.D. may be agreed to.

10.7.52

5K.
7/7/52.

(S)

P.W.D.

F.Br.

The F.D. having agreed, the draft at pp.53-54-C/S may now issue.

15-7-52.

P. W. D.
File No. 3640/48
Serial No. 65666

S.A.S.

G. R., G. D., No. 2408, dated 22-6-23.] 

# DOCKET SHEET (B)

***Subject :—***

**File No.** _____

P.W. **DEPT.**

E **BRANCH.** (II)

***References :—***

Corresp. Section

| Date. | To whom sent. | Notes and instructions. |
|---|---|---|
| | | |
| 2/2 | XW | Pl. Issue to PSD |
| 15/5 | XIV | Plate to PWD |
| | | |
| | | |

Copy applied for on 7-10-49.
Bhaskar Basatha Sangar of Asundi

Copy ready for delivery on. 10-10-49

No of words 3750

Copying fee 7-0-6
S.C. 1-12-0
Comparing fee 1-11-3
S.C. 0-3-0
Postage 0-2-0
Total 10-12-9
Stamp 0-0-3
10-13-0
2
5-13-0

Copy delivered to the applicant on. 10-10-49

Recorded
Resident Magistrate
F.C. Ranchennur.

Copy of Judgement and order passed by R.V. Kollenavar B.A.L.L.B. Resident Magistrate. F.C. Ranchennur in Criminal case No 346, 48 on dated. 7-10-49.

Cri case No 346/48

In the court of the Resident Magistrate. F.C. at Ranchennur.

Ex 17

Rex.

V.S.

1) Bhaskar. Basatta. Sangar of Asundi.

2) Francis Gabriel Rodrigus of mosur.

Offence Sec 411 I.P.C. against accused No 1 and Sec 379 against accused No 2.

Judgement

1) There is a public irrigation tank at Asundi. In 1947, Accused No 2 was the gaze clerk over the said tank and accused No 1 was the Pot-kori under him. The prosecution case, now, is that on 14-6-47 accused No 2 got some of the jali trees which were the property of Govt, cut through Basatta Thimmaras and Ranchottha Bakker. Accused No 2 availed the wood thus obtained

for his private fuel purposes. on 15-6-47 accused No 2 carted the wood from the bank of the irrigation bank and was taking the same to accused No 2's house. Unfortunately for the accused, the Police Patil and some others of Asundi chanced to be at the Agashi of the Village and stopped the cart. As the latter prepared themselves for drawing up a panchnama, accused No 2 called accused No 1 to leave the cart at the Agashi and to come away. Thereafter a panchnama was made and the wood was attached. The police Patil sent his report to the Byadgi police station.

2) There appears to have been some official correspondence in the matter on the question of the accused being dealt with departmentally. For no offence was registered by the Byadgi till 22-9-48. The charge sheet was submitted on 4-10-48 against the above accused.

3) The points for decision are.

(1) Is it proved that accused No 2 committed theft of trees belonging to Govt from the Asundi irrigation bank. and

(2) Is it proved that accused No 1 dishonestly received

the wood obtained by the theft, knowing or having reason to believe the same to be stolen property?

My findings are (1) No (2) does not survive (4) That the trees that accused No 1 ~~dishonestly~~ ~~[illegible]~~ 2/ the wood obtained by the ~~theft~~, ~~knowing~~ or ~~having~~ reason was found carting is undoubtedly from the bank of the irrigation tank is undisputed. Before the cart could reach the village, it was stopped by the complainant Police Police (Ex 1) and the wood was attached under panchnama (Ex 5-A). The property i.e. the fire wood is Govt. property. The fact of the attachment of the property at the agaraha (gate) of the village is not disputed by the defence.

5) The prosecution case is that accused No 2 engaged Basotha Deannaya (Ex 2) and Kenchotha Talwar (Ex 3) to cut the trees as he needed firewood for his personal purposes; that as instructed Basotha (Ex 2) and Kenchotha (Ex 3) cut the trees heaped the parts of the trees together; and that and that on the following day accused No 1 carted the same. The stand taken

by the accused is that on sunday the 15th June 1947
at about 4 P.M. accused No 1 informed the other
accused that some body had cut trees on the
bank of the tank; that accused No 2 to take the
Police patil for getting the panchnama drawn
th; that accused No 1 went to the Patil's house and
found that the Patil had gone away and was not
available; that on getting this intimation from
accused No 1, accused No 2 then asked accused
No 1 to call other panchas. On the tank that one
Bhatmajja Halgeri (Ex 14) who was one of the
panchas for the tank was found but advised
the accused to cart the fire wood to the charodi
where a panchnama could be made about it;
that accordingly the cart of Bhatmajja Halgeri
(Ex 14) and the bullocks of Ningotta Halgeri (Ex 7)
were taken to the tank by accused No 1; that accused
No 2 also went to the scene of offence, that the
firewood was loaded in the cart and accused No 1
started to take the cart to the charodi; that at

3

the Village - ogashi. The Police Patil was sitting with some others and detained cart; that accused No 2 who came there a little later asked as to why the cart bound for the chavadi was stopped at the ogashi; That the patil then said that he would not allow it to proceed; That accused No 2 then told and No 1 to leave the cart there and to come away; That the patil and other witnesses are inimical towards the accused and got up this case.

6) In the prosecution the direct witnesses against accused No 2 one Basotha Dramnavar (Ex 2) and Hanchatta Borker (Ex 3) who say that they felled trees and loaded the wood at the instance of the accused No 2 and Boshellatta (Ex 4) who says that he saw Ex Nos 2 & 3 cutting the trees and that accused No 2 was then near by under a babul tree. If these witnesses can be relied on the defence has to fail. How far these witnesses carry conviction? The father of Basotha Dramnavar (Ex 3) is a hagdar walker of Asundi. The father of

Kuchatha Boarder (Ex 3) does the Barber service (menial service) in the village. Initially, therefore, they are under the influence and control of the police patil. Further being connected with village officers, they are expected to know that the trees were Govt property. Knowingly they have cut the trees for the private purposes of accused No 2 (that is as stated by them). They are therefore no better than accomplices and cannot be relied on unless corroborated.

6) Basatta Irannanna says that he was engaged on Saturday by accused No 2 for cutting the trees; that Ex 3 worked ~~worked~~ with him, that while going to work on the trees he met Hanmatha Galed and Basatta Benchalli (Ex 4) ~~near~~ near the village agashi and told them about his having been engaged by accused No 2 for cutting trees. That Hanmatha Galed and (Ex 4) were at that time returning to the village; that he met these two persons again near the agashi at about 12 noon or 1 P.M. and told them of his having cut the trees that during the interval

between the two meetings, he did not meet Harchand Singh and Ex 4, that again on Sunday he cut trees and soon. Ex 4 is similar except that he says that one Tittanna also had come to the land when the trees were being cut. Ex Nos 2 & 3 have in their statement before me, deparled from their police statements in two particulars. In their police statements they have stated they cut three trees. Again they have not mentioned about their having worked on Sunday also. The property before the court is too much in quantity to have been obtained from only two trees. A year and three months after the date of offence i.e. on 24-9-68, a panchnama of the scene of offence, as pointed out by Ex 3 Kanchatta is made and it describes that there were three babul stumps to be seen on the scene of offence. Undoubtedly, that is the reason for Ex Nos 2 & 3 to say now that they cut three trees after having stated about two trees before the P.S.I. That is again the reason for their saying that they worked on saturday and sunday

The trees appear to have been sizable ones, as can be gathered from the property before the court. The felling of the trees and then chopping them suitably cannot be accomplished by two persons working only from 8 A.M. till noon or one hour thereafter. Hence a second session i.e. that on Sunday is now being stated. In my opinion Ex Nos 2 & 3 have tried to improve upon their former statement D Ex Nos 2 & 3 say that they did not tell any body except Hanmatha Gilled and Boshellather (Ex 4) about their having cut the trees at the instance of the accused. Ex 3 has also mentioned one Tibbanna as having passed by near them when they were felling the trees. The Police Patil (Ex 1) says that Hanmatha Gilled and one Pinjar boy told him on the day following the date of attachment. Ex Nos 2 & 3 having been concerned in cutting the trees. Hanmatha Gilled, Tibbanna and the Pinjar boy are not examined by the prosecution. Nor are they cited as witnesses. The importance of this point cannot be gain said. How could the police patil know of Ex Nos 2 & 3

So that they could be examined by the P.S.D. (Ex11) on 17-6-47? The prosecution can only answer the Police plea (Ex1) be believed. Before discussing the evidence of the Police Plea, I shall take up the statement of Basavenatta (Ex4). Basavenna makes out his primary points against the accused No2. Firstly he heard the sound of wood cutting and on looking up and saw Ex Nos 2 & 3 cutting wood, and secondly accused No2 was sitting under a babul tree one 20 or 30 feet from where Ex Nos 2 & 3 were cutting wood. He introduces one Agasar Bhimappa as his companion when he saw the above. Agasar Bhimappa, though cited is not examined. No25, Basavennappa does not state that he was accompanied by Gulool Hanmappa, and that he met Ex Nos 2 & 3 at the Agashi once at 8 A.M. and again at noon or 1 P.M. That is what Ex Nos 2 & 3 have stated. Ex Nos 2 & 3 say that between 8 A.M and 1 P.M they did not see Basavennappa at all. Basavenatta states that it was at about 9 A.M. That he went to a

streamlet with Agsar Bhimappa for eating and it was then that he took Ex Nos 2 & 3 and accused No 2. There is no corroboration, therefore to see that for Ex Nos 2 & 3 in the statement of Ex 4. Ex 4 is examined by the Police on 24-9-48 i.e more than a year and three months after the date of offence. The learned prosecutor argued that this could not be treated as delay, since the offence was registered only on 22-9-48. i.e. two days before the date of Basavennappa's police statement. That is begging the question. Why was there this delay in registering? on 17-6-47 Ex Nos 2 & 3 had been examined by P.S.I Chandargi (Ex 11) and if indication of Ex 4 and Bhimappa Agsar was had by P.S.I Chandargi, he would have examined them as well. I am unable to rely on Basavennappa (Ex 4).

8) The police Patil (Ex 1) Mudigaudru (Ex 5) and Kotrappa (Ex 6) are the next batch of witnesses chronologically. These three were sitting in the threshing floor of one Ramajja on the road side.

at about 6 p.m. on 15-6-47. The Village agashi is obviously nearby. Some time later, these three persons saw accused No 1 coming from the hillside, driving a cart loaded with firewood. Accused No 2 came following the cart, at some distance. The story then goes on that the Police Patil asked accused No 1 as to whence the wood was cut, by whom and where it was being taken, that accused No 1 replied that accused No 2 got it out for his personal use, that he (accused No 1) was only carrying the firewood and was not present when the cutting was done, that accused No 1 went ahead with the cart though asked by the police Patil to stop, that near the Village cattle pound the Patil obstructed the cart, that accused No 2 then came up and asked accused No 1 as to why he had halted the cart and finally accused No 2 took away accused No 1 saying "let them detain, you come home". Then at Patil's instance a panchnama (Ex 5-A) was made and the fire wood was attached. On the following day i.e. on 16-6-47 the cart was returned to Bharmappa Holgeri and the bullocks to Ningappa Holgeri. Bharmappa and Ningappa

were not found when sent for and hence the
return was made to them the next day.

9. The fact that the cart and the bullocks were
returned to their respective owners on 16-6-47
after having been attached under Ex 5 A. and
the patils' statement (Vide para 16 of Ex 1) that
the owners were not found on 15-6-47 when
sent for raises an interesting question in the
case. Ex 1A which is the report sent by the
Police Patil to the Police station Bijadgi. It
is dated 15-6-47. The Patil says (Vide para
1) in his statement) that he dispatched his
report (Ex 1A) and the panchnama (Ex 5 A
at about 8 or 9 P.M. By then he had not met
either the owner of the bullocks or of the cart. If that
is so, the recital in Ex 1A that the statement of
Ningotha Holgeri was also sent with it. If Ningotha
Holgeri who is the owner of the bullocks was not
found when sent for by the Patil, when could the
Patil have recorded Ningotha's statement. So as to
send it with his report Ex 1A at about 8 or 9 P.M
on 15-6-47. As a matter of fact the report Ex 1A

11 [redacted] in the Bijapur police station (on 16-6-47). At what hour it was received at the police station is not clear form the evidence. Nor has P.S.I Chowdaraji (Ex XII) stated as to when on 16-6-47 he reached Asundi. The recital in Ex 1A about the statement of Ningatta Holgeri can only mean one of the two things. It may be That it was written actually on 16-6-47, and, in order to satisfy the question of delay, dated 15-6-47 Or else it may be That the Patil did meet Ningatta Holgeri on 15-6-47 and recorded his statement and the Police Patil's statement to the contrary is false. The police Patil might have held on to the bullocks till the next day in order to compel Ningatta Holgeri to give favourable evidence In order to forestall this argument, he is now saying That he did not meet Ningatta Holgeri on 15-6-47. He cannot explain as to why the bullocks were not returned on 15-6-47 to Ningatta. By adopting the easiest explanation i.e. That of Ningatta's not having been found when sent for the Patil has cast doubts about the truthfulness of Ex 1A. Either ways the police Patil come

comes out in unhappy colour. There was some bad blood 12
between the Patil and the accused No 2. Though many
instances are put to the Patil during cross examination
and denied, one is admitted. A report was made
against the Police Patil by the Irrigation Sub Divisional
officer complaining that the patil did not assist
in drawing of panchnama. The complaint, obviously
is still pending, as the patil says that he has not
been informed of any order in the matter. The other
instances put are also similar ones and also
are of a revolt against the patil for unauthorised
use of water from the tank. Pandiganda (Ex 5)
is a relative of the police patil and was rebelled
against by accused No 2 for irrigation offence prior
to the date of the offence and has been fined. Ex 5 has
also got some villagers to signe petition for the
transfer of accused No. 2 from Asendi, he himself
being one of the signatories to the petition. Kolretta
(Ex 6) says that he might have signed the petition
against accused No 2. He does not remember if on a
report by accused No 2 about illegal uses of tank water
he was called on to pay a compensatory penalty of Rs 53/-

RAJ

13 He says that he was friendly with accused No 2 yet he signed the petition against accused No 2 as others had written it. Obviously his native loyalty had the better of him - so strongly as to induce him to sign a petition, the contents of which, so far as he was concerned, were untrue Again, he does not remember if at the time of the posting of accused No 2 at Asundi, for a second time he requested the Superiods of accused No 2 not to post him at Asundi. Even subsequent to the present case Ex 6 has approached the Superiods of accused No 2 and sent an application against him. The P.S.I. Gudgur (Ex 12) says that he came to know of the enemity between accused No 2 on the one hand and the Police Patil (Ex 1), Mudigauda (Ex 5) and Kotrappa (Ex 6) on the other Ex Nos, 1, 5 and 6 are the leaders of Asundi.

(10) Accused No 2 has served at Asundi for three or four terms covering such a period of about 18 years - a period sufficiently long during which to develope bad blood and ill will. This is particularly so in the case of a person who has to look

after proper and equitable distribution of tank
water. Reading the instances of actions taken by the
accused No 2 against the Villagers of Asundi, as
given by him during his statement (Ex 9), which I
see no reasons to disbelieve, accused No 2 appears
to have been a task master in his official duties.
It is quite likely that the length of service put in
by him at Asundi and his official strictness had
created enemies for him all around in the Village
A Govt. servant is generally a hasting word. In
the case of accused No 2 however it seems to have
been the other way. Inspite of protests by Villagers,
accused No 2 was posted for 3 or 4 terms at Asundi
The leaders of the Village, dispaired of getting
another grama clerk, would be up to any tricks,
especially as they themselves had not been spared
by accused No 2. In this back ground, it is for the
patil to get a wati kal's son and a barki's son
to give evidence. This inference is strengthened
by the fact that the alleged informants of the Police
patil about Ex Nos 283 being the wood cutters are

not examined by the Prosecution.

11) The remaining prosecution witness is Ningotha Halgeri (Ex 7) He says that he gave bullocks to accused No 2 who said that he wanted the bullocks for bringing firewood. This witness also does not remember if he is a signatory to the petition against accused No 2. He does not remember if accused No 2 got him fined Rs 5/- for illegal use of water from the tank. He further says that he saw the Patil on the night of 15-6-47; Thus by contradicting the Patil, Ex 7 asked for a release of the bullocks but the Patil asked him to wait till next day. Ex 7 cannot deny about his bullocks because there is a receipt issued by him. So far as details are concerned, he has motive against accused No 2 and can fill up the gaps.

12) The evidence for the prosecution is there of two unsatisfactory characters. On behalf of the defence Basatha Budihal (Ex 13), Bharmatha Halgeri (Ex 14), Jattingatha Kotagi (Ex 15) and the State-Divisional officer Hombbhavi have been examined.

Basaththa Budithal says that he never engaged Basavenmetthu (Ex 4) to work in his field. Ex 4 had stated that he was working in Ex 13's field and that from there he went to the streamlet when he saw the ~~Hackery~~ file. trees being cut. As Basavenmetthu (Ex 4) is not trust worthy, it is unnecessary to dilate on Ex 13 evidence. However the prosecution has suggested that accused No 2 was favouring Basaththa Budithal in the distribution of water and that accused No 2 gave cement to him when he got his house built recently. It is not known how accused No 2 could give cement to any body. If it is suggested that accused No 2 had given more water to Basaththa Budithal and had favoured, then there to whom he did not show favour but took action by getting them fined. Would have motive against accused No 2. the prosecution witnesses fill the bill in this behalf. Bharamattha (Ex 14) is the owner of the cart. He says that accused No 1 went to him and said that accused No 2 wanted him and the Police Patil as some body had cut the trees, that the Police Patil

17 was not at home, he told accused No 1 that his going alone to the bank was useless and that the property could be brought to the Chavadi where a panch-nama would be made later. PS Bharmappa Bullocks were in his field, he offered his cart. That is in fact the defence taken by the accused. Bharmappa was on the date of offence and until recently a panch on the bank committee of the Village. That is why the accused approached him. As against him, it is suggested that he was favoured by the accused No 2 in the matter of supply of Water. As observed by me earlier if that is a motive for support the prosecution witnesses have a motive to abuse accused No 2 as he took action against them. It is further suggested that accused No 2 occupied Bharmappa's house without paying rent. There is a dispute about the house. Accused No 2 has taken a rent note in respect of the house. But that is beside the point. The prosecution has to establish its case. Gullingotha (Ex 15) was a School teacher at Asnodi and is now transferred to Holgeri. He

says that on 15-6-47 accused No 2 had gone to him for asking about text books for his (accused No 2s) children, that this was about 3 or 4 P.M. that accused No 1 came there at that time and called accused No 2 as there were some trees cut by somebody; that accused No 2 asked accused No 1 to call the Patil; that accused No 1 went to call the Patil and came back saying that the patil was not at home; that accused No 2 Then told accused No 1 to call Laneha Holgeri Bharmappa and went homework. As against This witness it was suggested that some contribution had been raised for a library; that an inquiry was pending against the witness about the amount and that an inquiry was pending against him for not having given charge of the Nandi School. If the witness had not given charge of the School on his transfer to Holgeri, he would have been dealt with suitably by the District School Board. That he is in Service been after two years negatives the possibility of the suggestions being true.

11) I see no other reasons for disbelieving (Ex 15) the Sub Divisional officer (Ex 16) produces the report of accused No 1 which was forwarded to him by accused No 2. The report of accused No 1 gives the Road cut lines of the defence now taken. It is dated 15-6-47

12) The cart that was being driven by accused No 1 was stopped at the Bhandi. The Chavadi was further ahead. It cannot therefore be said that the accused intended to take the cart beyond the Chavadi to accused No 2's house. If the cart had progressed beyond the chavadi towards the house of accused No 2 at least for a few yards, then the things would have been different. That is not so.

13) It was further argued that accused No 2 should not have removed the firewood from the lane area without having drawn up a panchnama, if his defence was true. This circumstance might be due to the advise of Bharmappa, during the absence of the Police Patil, as stated by Bharmappa. If there was no possibility of the culprit being found, then the panchnama would have been only a formal affair for attaching wood and

and the same could be done in the channadi as well as on the bank of the tank. No doubt, it was wrong for the accused to have removed the firewood without any panchnama from the bank of the tank, but from that only, the accused cannot be held guilty of the offences charged

14) It is in evidence that accused No1 was not at Aluvadi on saturday, the 14th June 1947. He could not therefore have any knowledge about the cutting of the tree. In view of my finding on the first point, the second one against accused No1 does not survive for consideration

15) Under the circumstances, the prosecution fails I pass the following order.

Order.

The accused are acquitted (Sec 258(1) Cr.P.C)

The property to be sold and the proceeds credited to Govt (Sec 517(1) Cr.P.C)

7-10-47

Sd. R.V. Kollah.
R.M.F.C. R.M.

True copy.

Typed by: N.B.H.

Compared by:

Resident magistrate
F.C. Ranchenna

No.G-51. Letter Public Works Department,
Belgaum: 23rd January 1951.

From
The Superintending Engineer,
Southern Circle, Belgaum.

To
The Chief Engineer,
Public Works Department, Bombay.

Subject :- Shri Francis Rodrignes, Gauge Karkun.
Approval of Government for payment of extra amount to --during the period of suspension.

---

The Executive Engineer, Dharwar Division, reports that one Shri Fransis Rodrignes, permanent Gauge Karkun, in his Division was arrested by the Police on 29-9-1948 in connection with a criminal offence from which date he was ordered to be under suspension by the Executive Engineer, under his office order No.G-51, dated 5-10-1948. His case was under trial in the court of Law and Shri Fransis was acquitted by the Resident Magistrate, First Class, Ranebinnur, on 7-10-1949 under Section 258(i) of Criminal Procedure Code, as per his judgement x No.346/48 of 7-10-1949 - copy submitted for the information of Government and return. Shri Francis was then re-instated in service under Executive Engineer, Dharwar Division's Office order No.G-51, dated 29-10-1949 from the date of his joining duties viz. 1-11-1949 B.N. The period of his suppension was treated as duty under Executive Engineer, Dharwar's Office Order No.G-51, dated 27-2-1950, under B.C.S.Rule 152. Since the period of suspension i.e. from 29-9-1948 to 31-10-1949, both days inclusive, exceeds six months, I would request that Government may kindly be moved to accord sanction to the payment of pay to Shri Francis during the period of his suspension after deducting the ~~xxxxx~~ subsistance allowance already paid to him as required by note (2) below Rule 154 of the B.C.S.Rules - Volume I.

D.A. 1 copy of Judgement
referred to
(To be returned please).

Dy. Krishnaiyer 22/1

GRM.22/1. for Superintending Engineer, S.

27

G.D-51. Letter Public Works Department,
Belgaum: January 1951

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Chief Engineer,
Public Works Department, Bombay.

Subject :- Shri Pranais Vodrigues, Gauge-
Karkun
Approval of Government for payment
of extra amount to --during the
period of suspension.

---

The Executive Engineer, Dharwar Division, reports that one Shri Pranais Vodrigues, permanent Gauge Karkun, in his Division was arrested by the Police on 29-9-1948 in connection with a criminal offence from which date he was ordered to be under suspension by the Executive Engineer, under his office order No.G-51, dated 5-10-1948. His case was under trial in the court of Law and Shri Pranais was acquitted by the Presidency Magistrate, First Class, Jamkhanur, on 7-10-1949 under Section 258(1) of Criminal Procedure Code, as per his judgement No.346/48 of 7-10-1949 - copy submitted for the information of Government and return. Shri Pranais was then reinstated in service under Executive Engineer, Dharwar Division's Office order No.G-51, dated 29-10-1949 from the date of his joining duties viz. 1-11-1949 F.N. The period of his suspension was treated as duty under Executive Engineer, Dharwar's office order No.1-51, dated 27-2-1950, under S.C.S.Rule 152. Since the period of suspension i.e. from 29-9-1948 to 31-10-1949, both days inclusive, exceeds six months, I would request that Government may kindly be moved to accord sanction to the payment of pay to Shri Pranais during the period of his suspension after deducting the subsistence allowance already paid to him as required by note (2) below Rule 194 of the B.C.S.Rules - Volume I.

D.A. 1 copy of Judgement
referred to
(To be returned please)

CRM.22\1 for Superintending Engineer,

P. W. D.
File No. 3640/48
Serial No. 7897

23 3640/48/7892

Letter.

Confidential.

No. 3640/48-E(II). P. W.D.,
B.C.(Bday No.1), 13th Feby,52

To

The S.E., S.C.

Subject:- Payment of salary for period of suspension to Shri Francis Rodrigues Pt. Gauge Karkun.

——— p.21

Re/ce: Your letter No. C.51, dt. the 23-1-1951

2. Please report whether the Ex. Engr., Dharwar Dn., has arrived at his decision to reinstate Shri Francis Rodrigues and, to treat the period of suspension as duty after holding a departmental enquiry. If not, the Ex. Engr. should be requested to hold an enquiry as per instructions contained in Appendix II to the Bombay Civil Services Conduct, Discipline and Appeal Rules. Thereafter, the Ex. Engr. should be

be requested to approach Govt. according to his decision for the payment for period of suspension ~~from~~

3. Shri Francis Rodrigues should, however, not be again suspended during the period of departmental enquiry, except for good and sufficient reasons.

4. It is presumed that necy. action in respect of Shri Bhaskar Bussapa is being taken by the Ex. Engr. The presumption may please be got confirmed.

By order of the G. of B.,

Dy. Secy. to the Govt. of Bbay,
P. W. D

D.A.- Nil

Issued
JSK
13/2/51

E.3(I).

The S. E. S. C., excepted under No. 3640/GS-E(II) dt. the 27-3-1951

JSK
24/3/51.

Confidential. Letter No.G-51.

Public Works Department,
Belgaum: 4th April 1951.

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Chief Engineer,
Public Works Department, Bombay.

Subject :- Payment of salary for period of suspension to Shri Francis Rodrigues, Permanent Gauge-Karkun.

---

Reference: Government (Public Works Department) Expeditor No.3640/48-E(II), dated the 24th March 1951.

2. I am awaiting the report called for from the Executive Engineer, Dharwar Division, who has been expedited in the matter. On receipt of a report from him, the necessary report will be submitted in the matter.

4/4/51

D.A. Nil.

Superintending Engineer, S. C.

GRM.3/4.
3.

3640/48/30811.

EB(II). P.W.D.

Await.

14/4/51.

Sept.

Expedited under No. 3640/48

- F, dtt. 16 May 51

Issue 16/5

3640/48

30811

F.R

27

36 Hol/HP/31F11

Q.M.B

The S.E., S C., Cuttack is requested under No. 36Hol/HP-F, dated the 5-6-51.

14-6-51

14-6-51.

Issued

15/6/51.

14/6

A.M.P.
15/6

Letter.

From

The Superintending Engineer,
Southern Circle, BELGAUM.

To

The Chief Engineer,
Public Works Department, BOMBAY NO.1.

Confidential.
No.G-51.

Public Works Department,
Belgaum: 21st June 1951.

Subject:- Payment of salary for period of suspension of Shri.Francis Rodrigues, Permanent Gauge Karkun -

---

Reference: Government P.W.D. Expeditor No.3460/48-F/2, dated the 15th June 1951.

2. I am still awaiting the report called for from the Executive Engineer, Dharwar Division who has been expedited in the matter. On its receipt the necessary report will be submitted to Government . The Executive Engineer has again been expressly expedited.

D.A.-Nil.

21.6.51

Technical Asstt.
for Superintending Engineer, S.C.

KSR.21/6.

21/6/51.

F. Br. P. W. D.

Await.

25/6/51.

25-6-51. Subdt.

P. W. D.
File No. 3640/48
Serial No. 54448

P. W. D

F. Br.

The S.E., S.C., expedited under No. 3640/48-F. dt. the 20 July 1951.

19/7/51.

Issued

Letter.

From

The Superintending Engineer,
Southern Circle.

To

The Chief Engineer,
Public Works Department, BOMBAY 1.

CONFIDENTIAL
No. G-51.

Public Works Department,
Belgaum: 2nd August 1951.

Subject: Payment of salary for period of suspension of Shri Francis Rodrigues - Permanent Gauge Karkun.

Reference: Govt. P.W.D. Expeditor No.3460/48-F dated the 20th July 1951.

2. The report called for from the Executive Engineer, Dharwar Division is still awaited inspite of repeated expeditors in the matter. The Executive Engineer has, however, been expedited and soon on receipt of his report, the Government reference will be disposed of.

D.A. NIL.

GDT/2-8.

Superintending Engineer, S.C.

3640/48/68163. 22

P.W.D.

F. Br.

Await.

7-8-51.

7-8-51

Supdt.

P. W. D.
File No. 3640/48
Serial No. 68163.

# Office Order.

No.G-51.

Mr. Francis Rodrigues, Permanent Gauge Karkun on pay of Rs. 52/- P.M. suspended under this office No. G-51, of 5-10-1948, from 29-8-1948 under Sect. 372 I.P.C. having been acquitted under Sec. 258(i) Cr.P.C. by the R.M.F.C., Ranebennur, as per his judgement No. 346/48, of 7-10-1949, he is reinstated and posted to Havasbhavi Sub-Division. The detailed posting of the karkun should be made by the Sub-Divisional Officer, under intimation to this office. His pay will commence from the date he joins his duties in the Sub Division..

2. Bhaskar Basappa, Patkari on temporary Establishment who was working on Assundi Tank and whose services were terminated from 24-9-1948 under this office No. G-52, of 9-10-1948 as he was convicted under Sec. 411.I.P.C., having now been acquitted under Sec. 258(i) Cr. P.C., by the R.M.F.C., Ranebennur as per Judgement No. referred to above, is reappointed and posted to his original post as patkari in Havasbhavi Sub-Division at Assundi, terminating the services of Madraab Davalsab, Patkari at Assundi temporarily appointed as per this office No. G-51 of 14-5-1949. The services of Madarsab Patkari will terminated from the date Bhaskar joins his duties at Assundi.

3. The pay and allowances of Bhaskar Basappa Patkari will commence from the date he joins his duty at Assundi.

Sd/- V.R.Deuskar,
Executive Engineer, D. Dn.

C.V.Dharwar.

29th October 1949.

To

(1) The Sub-Divisional Officer, Havasbhavi, for information, with reference to this office Nos. G-51 of 5-10-1948, and G-52 of 9-10-1948. The dates of arrival and departures of the karkuns and patkaries should be reported as usual.

(2) Mr. Francies Rodriques, Gauge Karkun and Baskar Basappa, Patkari.

---

"True Copy"

Sd/-
Head Clerk, to
Executive Engineer, D.Dn.

Letter.

Confidantial.
No.G-51.

Office of the Ex.Engineer,
Dharwar Division, P.B.26.
8th August 1951.

To

The Superintending Engineer,
Southern Circle, Belgaum.

Subject:- Payment of salary for period of suspension to Shri Francis Rodrigues permanent Gauge Karkun.

Reference: Your endorsement No. G-51/Confidantial of 6-3-1951.

No departmental enquiry was held by the then Executive Engineer, before reinstating Shri Francies Rodrigues, Gauge Karkun.

2. However, I have gone through the whole case and my findings in this case are as under:

The case is a concocted one and brought up against the Gauge Karkun due to the enimity between the Gauge Karkun and the Police Patil there, which is clear from para 10 of the judgement with which I agree. The only flaw in the discharge of duty by the Gauge Karkun is that he should not have removed the cut branches from the bank of the canal without holding a panchanama on spot. However, this lapse on the part of the Gauge Karkun cannot be taken as grave offence under the conflicting situation in the village and the danger of their being stolen away to admit of giving a charge sheet in the matter to him. The Gauge Karkun is therefore, being warned for the lapse through the Executive Engineer, Dharwar Irrigation Division under whom he is at present working.

I have also consulted Shri V.R.Deuskar, Executive Engineer, my predecessor, and he also agrees with my above views.

3. Moreover, the case being four years old it is not possible now to collect any reliable additional information to throw any more light on the same. Under the circumstances it is requested that Government may kindly be moved again to sanction the payment of salary for the period of suspension as applied for as whatever enquiries could be made have been made by the undersigned.

4. The services of Shri Bhaskar Basappa Patakari, having been terminated from 24-9-1948 he was reappointed vide para 2 of this office order No. G-51 of 29-10-1949 (copy enclosed). As such the question of payment of his leave salary for the period of suspension does not arise.

Encl. -

One copy of office order.

Sd/- V.V.Kale,
Ex.Engineer, Dharwar Dn.

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Letter.

Confidential.
No.G-51.

Public Works Department,
Belgaum: 14th August 1951.

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Chief Engineer,
Public Works Department, BOMBAY NO.1.

Subject:- Payment of salary for period of suspension to Shri Francis Rodrigues, Permanent Gauge Karkun.

Reference: Government Public Works Department Letter No.3640/48-E(II)Confidential, dated the 13th February 1951, correspondence resting with this office Confidential letter No. G-51 of 2-8-1951.

2. I append herewith a copy of the Executive Engineer, Dharwar Division's Confidential letter No. G-51 of 8-8-1951, from which it will be seen that no departmental enquiry was held by the Executive Engineer, before reinstating Shri Francis Rodrigues, Road Karkun in service and that there is no grave offence against the Karkun except some lapse on his part in the discharge of his duties for which he is now warned.

3. As Shri Francis Rodrigues was tried in the Court of law in the case and was acquitted by the Resident Magistrate, F.C. Ranebinnur, vide copy of the judgement submitted to Government under this office letter No.G-51, Confidential of 23-1-1951, for perusal and return, and as there is no possibility of getting reliable additional information now in the matter the case being four years old, I would request that Government may kindly be moved to accord sanction to payment of pay to Shri Francis Rodirgues during the period of his suspension as already requested in this office letter No. quoted above.

4. The Executive Engineer, Dharwar Division reports that the services of Shri Bhaskar Basappa, Temporary Patakari were terminated from 24-9-1948 as he was convicted and was reappointed subsequently as he was acquitted by the Resident Magistrate, F.C. Ranebinnur, in the case.

Accompts. -

1 Copy of letter.

Superintending Engineer, S.C.

DRJ.13/8.

For [illegible] pl

P. W. D.
File No. 3640/48
Serial No. 73323.

Letter: 39 3640/48
80224

Confidential.

No. 3640/48-F.

P. W. D.,
B. C (B'bay No. 1), 20 Sept. 1951.

To The S.E., S.C.

Subject:- Payment of salary, etc., to Shri Francis Rodrigues, pt. karkun and Shri Bhaskar Basappa, tempy. Patkari.

Refce: Corres. resting with your letter No. G. 51, P.37 dt. the 14-8-1951.

2. Please report in details why the Ex. Engr., Dharwar Dn., has taken one and half years to obtain Govt. orders in the matter.

3. You are also requested to state why Shri Bhaskar Basappa, tempy. Patkari, who has been reinstated in service, should not be treated as on par with Shri Francis Rodrigues so far as the treatment of # the period of absence is concerned.

By order of the G. of B.,

Issued
20/9/51
D.A.—Nil.

for Dy. Secy. to the Govt. of Bbay
19/9/51. P. W. D.

Letter. 41

From

The Superintending Engineer,
Southern Circle.

To

The Chief Engineer,
Public Works Department, BOMBAY 1.

CONFIDENTIAL.
No.C-51.

Public Works Department,
Belgaum: 3rd November 1951.

Subject: Payment of salary for period of suspension of Shri Fransis Rodrigues - Permanent Gauge Karkun and Shri Bhaskar Basappa Temporary Patkari.

Reference: Govt. P.W.D. Bombay's expeditor (Conf.) No.3640/48-F dated the 22-10-1951. P.6

Awaiting the report called for from the Executive Engineer, Dharwar Division, who has been expedited. On its receipt the Government reference will be disposed of.

D.A. NIL.

Superintending Engineer, S.C.

GDT/2-11.

3640/48/95091 42

P.W.D

F. Br.

Await.

10-11-51

10/11/57.

P. W. D.
File No. 3640/48
Serial No. 95091.

Cont'd

F

5-11-57.

43

Confidential.
No.G-51.

Public Works Department,
Belgaum, 29th December 1951.

To

The Chief Engineer,
Public Works Department, Bombay.

Subject:- Payment of salary for period of suspension of Shri.Francis Rodrigues, Permanent Gauge Karkun and Shri.Bhaskar Basappa, Patkari.

Reference:- Govt.P.W.D.Bombay's expeditor(Confidential) No.3640/48-F of 17-12-1951. P.7 MS

The report called for in this connection is still awaited from the Executive Engineer, Dharwar Division, who has been expedited again. On receipt of the information from him, the Government reference will be disposed of.

2.1.52

Superintending Engineer. S.C.

... 28/12

44.

Pwd
3640/48/483.

P.W.D.

E. Br.
Await

5-1-52.

5-1-52

S.A.S

P. W. D.
File No. 3640/48
Serial No. 483.

15

Confidential. Letter Office of the Ex. Engineer, D.Dn.,
No. G-51. Dharwar, 7th January 1952.

To

The Superintending Engineer, S.C., Belgaum.

Subject :- Payment of salary for period of suspensation to Shri Francis Rodrigues, Gauge Karkun.

Reference: Your endorsement No. G.51/Confidential, dated 26-9-1951 and subsequent reminders.

I have to report as under :-

(1) Delay in disposal of the case :- The applicants Shriyuts Francis Rodrigues, Gauge Karkun and Bhaskar Basappa, Patkari having been acquitted in this case on 7-10-1949, applied for permission for resuming duties on 13-10-1949. Accordingly, an order reinstating them was issued by my predecessor under this office order No. G.51 of 29-10-1949, but regarding the question of payment of pay and allowances and treating the period of service as duty, as required by rule 152(a) of B.C.S.Rs.Vol.I, does not seem to have been decided then. The Gauge Karkun, however, applied for consideration of his pay etc. during the suspension period and this was sanctioned in this office order No. G.51 of 27-2-1950. Accordingly a bill was prepared and presented at the Dharwar Treasury, but the Treasury Office raised objection, stating as the period of suspension exceeds six months and thus requires Government sanction under rule 154 of the B.C.S.Rs., Vol.I. The matter was, therefore, referred to the Superintending Engineer, S.C., under this office No. G.51 of 24-11-1950 for obtaining Government sanction. From the above, it would appear that the fact that Government sanction was required in this case was lost sight of in this ~~ea~~ office and hence the delay.

(2) ....

(2) Reinstatement of Shri Bhaskar Basappa :- The services of Shri Bhaskar Basappa were terminated as per this office order No. G.51 of 9-10-1948 (copy enclosed) and as such, he was reappointed please vide this office Order No. G.51 of 29-10-1949. The case of Shri Bhaskar Basappa was probably not treated as on par with Shri Francis Rodrigues, as the former was temporary and the post being sanctioned annually as required by Note 1 to Rule 152 of B.C.S.Rs.Volume I. However, there seems no objection to treat his case as on par with Shri Francis Rodrigues, Gauge Karkun as the post is continued from year to year. If this proposal meets with your approval, revised orders may be issued and Government sanction may be sought in this case also for payment of salary for the period in question.

Sd/- V.V.Kale,
Executive Engineer, Dharwar Division.

True copy.

Superintending Engineer,
Southern Circle, Belgaum.

CONFIDENTIAL.

P.W.D. 608 a.

Post Box No.
Telegram No.

No. G-51 of 195 2.

OFFICE OF THE SUPERINTENDING ENGINEER,
Southern CIRCLE;
Belgaum, dated 13th February 195 2.

FROM

SUPERINTENDING ENGINEER
SOUTHERN CIRCLE;

THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT,
BOMBAY.

*Subject* — Payment of salary for period of suspension to Shri Francis Rodrigues, Gauge Karkun.

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Reference: Government (Public Works Department) Confidential Letter No. 3640/48-F, dated 20-9-1951 and subsequent reminders.

2. I forward herewith a copy of the Executive Engineer, Dharwar Division's Confidential Letter No. G.51, dated 7-1-1952 wherein he has reported the detailed reasons for the delay in obtaining Government orders for payment of pay to Shri Francis Rodrigues, Gauge Karkun. The explanation may kindly be accepted.

3. As regards the treatment of the period of absence of Shri Bhaskar Basappa, it cannot be on par with Shri Francis Rodrigues, Gauge Karkun, in as much as Bhaskar Basappa was discharged when he was arrested because he was temporary while Shri Francis was suspended as he was permanent. Thus there has been a break of service in the case of Bhaskar Basappa which is, however, not the case in respect of Shri Francis Rodrigues who was suspended.

D.A. 1 copy of letter.

GRM.9/2.

Superintending Engineer, S. C.

P. W. D.
File No. 3640/48
Serial No. 15724

No. 3642/48F 49 Letter

P. M. P.

B. C. C Bombay (MD)

To 26 May 1952.

The S E, S C

Subject. Payment of salary for the period of suspension

Ref: Your letter (confd) No. G-51, Y. 49 dated the 13-2-52

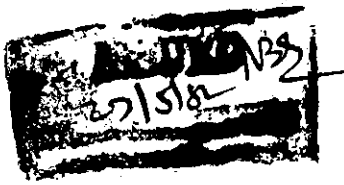
Sir. I state whether Shri Bhaskar Basappa, temp. Jetakeri was

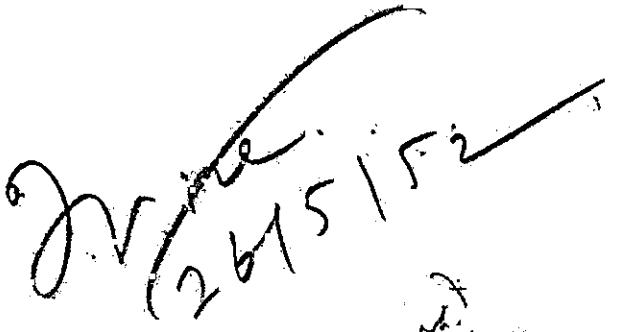
57

executed thereunder.

Dated
26-5-52

Yours
[illegible]





No. G.51. Letter

Office of the
Superintending Engineer, S.C.,
C.V.Belgaum: 18th June 1952.

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Chief Engineer,
Public Works Department, Bombay 1.

Subject :- Payment of salary for the period of suspension.

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Reference: Government (Public Works Department) Letter No. 3640/48-F, dated 26th May 1952. P. 49

2. Shri Bhaskar Basappa, temporary Patkari, was acquitted honourably as reported by the Executive Engineer, Dharwar Division.

D.A. Nil.

GRM.18/6.

Superintending Engineer, S.C.

52

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Letter. 3640/48/58216

Confdl.

No. 3640/48-F.

P. W. D.,
B. C. (Bbay No. 1),
16th July 1952.

To

The S. E., S. C.

Subject:- Payment of pay and allowances to Shri Francis Rodrigues, Jt. Karkun and Shri Bhaskar Basappa, Tempy. Karkun.

Refce: Corres. resting with your letter P.51 No. G-51, dt. the 18-6-1952.

2. The period of suspension of Shri Frances Rodrigues, Jt. Karkun, from 29-9-48 to 31-.0-49 should be treated as ~~on~~ duty and he should be paid full pay and allowances that he would have drawn, but for his ~~pension~~ suspension.

3. The period of ~~and~~ absence from duty of Shri Bhaskar Basappa, tempy. Patkari, from the date of termination of his services to the date of reinstatement should be treated as period of suspension. The entire period of suspension should be treated as ~~on~~ duty and Shri Bhaskar Basappa should be paid full pay and allowances admissible to him, but for his suspension.

4. The subsistence allowance, if any, paid to Shri Francis Rodrigues and Shri Bhaskar Basappa should be adjusted

accordingly.

5. The action of the Ex. Engr., Dharwar Dn., in reinstating Shri Francis Rodrigues and Shri Bhaskar Basappa without holding a departmental enquiry is quite irregular. Your attention is invited to G.C., P.&S.D., No. 15581/34, dt. the 28-4-48, wherein the question of holding a departmental enquiry before reinstating the persons after acquittal by the Court has been specifically impressed on the officers under this Govt. You are, therefore, requested to bring this irregularity to the notice of the Ex. Engr. concerned ~~both a view to avoid~~ such lapses in future, by order of the G. of B.,

* File No 17** will be put up if required.

Asstt. Secy to the Govt. of Bbay;
P.W.D

D.A.—Nil.

Copy forwarded to —

The P.&S.D.,
The F.D.,
The A.G., Bbay (Thro: The F.D.),
The Ex. Engr., Dharwar Dn.,

for information

15/7/52.

Confidential. Letter. Public Works Department,
No.3640/48-F. Bombay Castle (Bombay No.1),
16th July 1952.

To

The Superintending Engineer,
Southern Circle.

Subject: Payment of pay and allowances to Shri Francis Rodrigues, permanent karkun and Shri Bhaskar Basappa, temporary karkun.

Reference: Correspondence resting with your letter No.G-51, dated the 18th June 1952.

2. The period of suspension of Shri Francis Rodrigues, permanent Karkun, from 29th September 1948 to 31st October 1949 should be treated as duty period and he should be paid full pay and allowances that he would have drawn, but for his suspension.

3. The period of absence from duty of Shri Bhaskar Basappa, temporary Patkari, from the date of termination of his services to the date of reinstatement should be treated as period of suspension. The entire period of suspension should be treated as duty period and Shri Bhaskar Basappa should be paid full pay and allowances admissible to him, but for his suspension.

4. The subsistence allowance, if any, paid to Shri Francis Rodrigues and Shri Bhaskar Basappa should be adjusted accordingl.

5. The action of the Executive Engineer, Dharwar Division, in reinstating Shri Francis Rodrigues and Shri Bhaskar Basappa without holding a departmental enquiry is quite irregular. Your attention is invited to Government Circular, Political and Services Department, No.1581/34, dated the 28th April 1948, wherein the question of holding a departmental enquiry before reinstating the persons after acquittal by the Court has been specifically impressed on the officers under this Government. You are, therefore, requested to bring this irregularity to the notice of the Executive Engineer concerned.

By order of the Governor of Bombay,

Assistant Secretary to the Government of Bombay,
Public Works Department.

D.A:Nil.

Copy forwarded to -
the Political and Services Department,
the Finance Department,

the..

the Accountant General, Bombay (through the Finance Department),

the Executive Engineer, Dharwar Division,

for information.

Order issued after consultation with P.W.S & Finance Department.
Notes remain with this Department and can be seen when required.

VPA
16/7/52

16/7/52

Letter.

No.G-51

Office of the
Superintending Engineer,S.C.
C.V.Belgaum 18th June 1952

From

The Superintending Engineer,
Southern Circle.

To

The Chief Engineer,
Public Works Department,Bombay.

Subject :- Payment of salary for the period of suspension.

Reference :- Govt.( Public Works Department ) letter No.3640/48-F, dated 26th May 1952.

2. Shri.Bhaskar Basappa,Temporary Patkari,was acquitted honourably as reported by the Executive Engineer,Dharwar Dn.

D.A. Nil.

Sd/-
Superintending Engineer,S.C.

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246—23,000—6-51—R (a) 4 P. W. D. 609 e

Post Box No.

Telephone No.

No. G-51 of 1952

Office of the Superintending Engineer,
Southern Circle:
, dated 9th July 1952

From

SUPERINTENDING ENGINEER,
Southern Circle;

To

The Chief Engineer,
Public Works Department,
Bombay.

*Subject* :— Payment of salary for the period of suspension -

P.15 91/S

Reference :- Govt.(P.W.D) expeditor No.3640/48-F dated 30-6-1952.

The reference in question has been disposed of-please vide this office No.G-51 dated 18-6-1952, a copy of which is attached herewith for ready reference.

P.51 C/S

P.57 C/S

Accompts :

1 copy of letter.

K.I.D.7-7-52

Tech.Asstt.,
for Superintending Engineer,S.C.

3640/48/64575.

F.Br.

P.W.D.

Record

LN
29/7/85

31/7/85

SAS